

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONALD L. BASKETT,)	CASE NO.: C07-1020-RSL-MAT
)	
Petitioner,)	
)	
v.)	ORDER RE: PETITIONER'S
)	PENDING MOTIONS
DOUG WADDINGTON,)	
)	
Respondent.)	
_____)	

This is a federal habeas action which is proceeding under 28 U.S.C. § 2254. Petitioner has filed a number of motions which are currently pending before the Court. The Court, having reviewed each of petitioners' pending motions, and the balance of the record, does hereby find and ORDER as follows:

(1) Petitioner's motion for leave to reargue (Dkt. No. 32) is DENIED. Petitioner indicates in his motion that he is merely seeking to reargue one of the claims set forth in his federal habeas petition. However, a review of the motion suggests that petitioner is actually seeking to present new grounds for relief. If petitioner wishes to amend his petition to present additional grounds for relief, he must first submit to the Court a motion to amend his petition together with a proposed amended petition.

(2) Petitioner's motion for leave to amend his complaint (Dkt. No. 34) is DENIED.

01 While petitioner indicates in the instant motion that he is seeking leave to amend, the arguments
02 set forth in the motion appear unrelated to the issue of amendment. The motion appears to simply
03 detail some of the procedural history of petitioner's state court habeas proceedings. Because it is
04 unclear from the motion the precise nature of the relief petitioner seeks, the Court will take no
05 further action with respect to the motion. If petitioner can clarify his request for relief, he may re-
06 file his motion.

07 (3) Petitioner's motion to reargue the magistrate judge's ruling (Dkt. No. 35) is
08 DENIED. Petitioner appears to be challenging in the instant motion this Court's ruling that
09 petitioner's federal habeas petition is properly construed as one brought under 28 U.S.C. § 2254
10 rather than as one brought under 28 U.S.C. § 2241. (See Dkt. No. 30.) Petitioner fails to
11 demonstrate any error in this Court's prior ruling. Accordingly, petitioner's motion must be
12 denied.

13 (4) Petitioner's first motion to substitute parties (Dkt. No. 39) is STRICKEN.
14 Petitioner seeks leave to substitute the superintendent of the Cedar Creek Corrections Center as
15 the respondent in this action. However, petitioner is apparently no longer confined at the Cedar
16 Creek Corrections Center. Accordingly, this motion is moot.

17 (5) Petitioner's second and third motions to substitute parties (Dkt. Nos. 44 and 48)
18 are GRANTED. Petitioner seeks to substitute his current custodian, Doug Waddington, as the
19 respondent in this action. The Clerk is directed to terminate Maggie Miller-Stout as the
20 respondent in this action and to substitute in Doug Waddington.

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01 (6) The Clerk is directed to send copies of this Order to petitioner, to counsel for
02 respondent, and to the Honorable Robert S. Lasnik.

03 DATED this 2nd day of November, 2007.

04 

05 Mary Alice Theiler
06 United States Magistrate Judge